

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAVIER CAMACHO,
Plaintiff,

v.

SOUTHWEST HARVESTING, INC.,
Defendant.

Case No. 16-CV-05744-LHK

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Re: Dkt. No. 32

Plaintiff Javier Camacho ("Plaintiff") moved for an order granting preliminary approval of the class action settlement (the "Settlement") reached with defendant Southwest Harvesting, Inc. ("Defendant"). ECF No. 32. Having considered the motion, the Settlement Agreement, the record in this matter, and the briefs and arguments of counsel at the September 7, 2017 hearing, IT IS HEREBY ORDERED as follows:

1. The Court has reviewed the terms of the proposed Settlement Agreement, Plaintiffs' motion papers and briefs, and the declaration of counsel. Based on its review of these papers, the Court finds that the Settlement Agreement appears to be the result of serious, informed, non-collusive negotiations conducted with the assistance of former Alameda County

1 Superior Court Judge Bonnie Sabraw. The terms of the Settlement Agreement do not improperly
2 grant preferential treatment to any individual or segment of the Settlement Class and fall within
3 the range of possible approval as fair, reasonable, and adequate.

4 2. The Court therefore GRANTS preliminary approval of the Settlement Agreement
5 and all of the terms and conditions contained therein.

6 3. The Court preliminarily certifies for settlement purposes the Settlement Class
7 described in the Settlement, composed of all persons who worked for Defendant as seasonal
8 agricultural workers who performed field work harvesting produce and worked more than six
9 hours but less than eight hours in a workday, at any time during the period of October 6, 2012 to
10 June 25, 2017.

11 4. The Court appoints Plaintiff Javier Camacho as representative for the Settlement
12 Class.

13 5. The Court appoints Gregory N. Karasik of Karasik Law Firm and Santos Gomez of
14 Law Offices of Santos Gomez as counsel for the Settlement Class.

15 6. The Court appoints Atticus Administration as the Settlement Administrator.

16 7. The parties filed an Amended Notice on September 8, 2017, which incorporated the
17 Court's proposed revisions to which the parties agreed and the parties' proposed revisions to which
18 the Court agreed. ECF No. 36-1. The Court finds that the Amended Notice and notice plan satisfy
19 the requirements of due process and Federal Rule of Civil Procedure 23 and provide the best
20 notice practicable under the circumstances. The Amended Notice and notice plan are reasonably
21 calculated to apprise Settlement Class Members of the nature of this litigation, the scope of the
22 Settlement Class, the terms of the Settlement Agreement, the right of Settlement Class Members to
23 object to the Settlement Agreement or exclude themselves from the Settlement Class and the
24 process for doing so, and of the Final Approval Hearing. The Court therefore approves the
25 Amended Notice and notice plan and directs the parties and the Settlement Administrator to
26 proceed with providing notice to Settlement Class Members pursuant to the terms of the
27 Settlement Agreement and this Order. *See* ECF No. 36-1.

8. The Court orders that the deadlines for members of the Settlement Class to exclude themselves from the Settlement or to object to the Settlement shall be November 20, 2017.

9. The Court orders that a Final Fairness Hearing, at which time the Court will consider whether the Settlement should be finally approved as fair, reasonable and adequate under Rule 23(e) of the Federal Rules of Civil Procedure and rule on the motion for attorney's fees, costs and incentive payment to be submitted by Plaintiff, is scheduled for January 18, 2018, at 1:30 pm.

10. The Court set the following deadlines:

Event	Deadline
Submission by Defendant of Class Members' Information	September 26, 2017
Notice Mailed to Class Members	October 6, 2017
Class Counsel Motion for Attorneys' Fees and Costs	October 20, 2017
Exclusion Request and Objection Deadline	November 20, 2017
Motion for Final Approval	December 14, 2017
Reply in Support of Motion for Final Approval and Attorneys' Fees and Costs	January 11, 2018
Final Approval Hearing	January 18, 2018, at 1:30 pm

IT IS SO ORDERED.

Dated: September 11, 2017

Lucy H. Koh

LUCY H. KOH
United States District Judge